

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. No. 05-CV-11749-JLT

FELIPE FOWLKES,

Plaintiff,

v.

KATHLEEN M. DENNEHY, ET AL.,

Defendants.

OPPOSITION TO PLAINTIFF'S MOTION TO AMEND COMPLAINT

Defendants¹, by counsel, hereby oppose plaintiff's Motion to Amend Complaint (Paper no.

24). The reasons for this Opposition are as follows:

1. This Court has allowed plaintiff's Second Amended Complaint to go forward. Currently, the U.S. Marshalls are in the process of serving plaintiff's Second Amended Complaint on the twenty-one named defendants named in the Second Amended Complaint. Plaintiff's Second Amended Complaint is sixty-six pages plus exhibits and sets forth sixteen claims.
2. Plaintiff now wishes to add more claims and nine more defendants.
3. Some of the original defendants have been served with plaintiff's Second Amended Complaint. To allow plaintiff to now further amend his Complaint will prejudice the defendants. If plaintiff is allowed to further amend his complaint it will cause confusion for the defendants as to which claims they are to respond.

¹Defendants are not waiving any defenses related to service of process by filing this Motion.

The Second Amended Complaint is confusing in of itself; there are eleven “page twenty-nines”. Plaintiff has numbered these pages 29½ , 29A, etc. Also, both the original Complaint and the Amended Complaint are dated August 15, 2005.

4. Plaintiff cannot be allowed to continuously amend his Complaint. If plaintiff has new claims, he can file a new, separate lawsuit.

For the foregoing reasons, the defendants oppose plaintiff’s Motion to Amend Complaint and respectfully request that this Court deny the Motion to Amend Complaint.

DEFENDANTS,
By their attorney,

NANCY ANKERS WHITE
Special Assistant Attorney General

Dated: August 28, 2006

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